mind, and had declared that she thought "it was the best thing she could do for them." (p. 51).

The chapters on evidence are of particular merit. Our very artificial rules and the reasons for them are both clearly explained.

Dr. Kenney accepts as a maxim *Omnia presumuntur rite et solenniter esse acta*, without the customary prefix of *Ex diuturnitate temporis* (p. 319). It may be doubted if in this abbreviated form it can be considered as established in American courts.

It has evidently been the aim of Mr. Webb to make no changes in the text not necessary to prevent misconceptions by an American reader. This rule was, no doubt, the right one, but occasionally may have been pushed too far. Thus, he has retained without qualification (p. 360) the statement (supported by ample English authority) that a witness, who is not a party, cannot be compelled to produce his title-deeds for inspection. There are, to say the least, strong reasons for the position that this immunity is bound up with the peculiar English system of real estate conveyancing, and would not be respected in a country where all land titles are normally matters of public record.

The proof reading has been in general well done, though we notice (pp. xvii, 306) the leading case of United States v. Arjona given as United States v. Arizona. *S. E. B.*

Aperçu de l'Evolution Juridique du Mariage. II. Espagne. By Émile Stocquart. Brussels, Oscar Lamberty, 1907. pp. 283. 3½ francs.

The first part of this work was reviewed in the Yale Law Journal in 1905 (Vol. XIV, 357). The author now takes up the course of the law of marriage in Spain. Its original Roman foundation is first set out, with considerable detail;—monogamy but side by side with it, concubinage, both equally legitimate forms of union. The father of the concubine, or he who had the *patria potestas* over her, must give his consent to the latter contract, and by the same right could terminate it at will (pp. 39, 65). Christianity, under Constantine, withdrew the sanction of the law for concubinage (p. 73).

The invasion of the Goths made, Dr. Stocquart maintains, less of economic and social changes than has often been thought, because the lands which they seized belonged to but a few proprietors. Spain was than held by a handful of grandees, each with a little army of slaves. One of them fed four thousand persons through the Winter on the products of his estate. The Barbarians took from most of these land holders two-thirds of their possessions; but this still left them rich (p. 99). In the fifth century the term *nobles* meant the rich rather than the well-born, and they were found largely in the cities, where the principles of civil liberty were for long better enforced than in the rest of Europe.

German institutions had little influence in Spain. The name *German* is the Latin rendering of *Herman*, that is war-man (p. 108), and it was only in that character that the Roman people

knew the German people. In the seventh century, the Roman and Barbarian laws were merged into one system by the Visigoths and the territoriality of law made the rule (p. 217). Restrictions on marriage now became greater. Theodosius had made it a capital crime for first cousins to marry. Now the marriage of the children of first cousins was forbidden (p. 222).

A new influence soon came in with the Arabs. The Koran ranged itself with the old Roman law in allowing divorce at the will of the husband (p. 264). But the Moor in Spain was ready to acknowledge woman's share in the world's work, outside of the household. Many were government clerks. In one quarter of Cordova there were seventy girls employed as copyists (p. 265). After the final expulsion or subjugation of the Moors, those who remained were governed by their own personal law, as regards marriage (p. 278).

All Spanish institutions of government and society, down to their bull-fights, and including their spirit of architecture, bore and still bear a closer resemblance to what belonged to Rome, than those of the rest of modern Europe. There was, however, a strong local color in the various provinces, and a diverse customary law (the *Fueros*), the treatment of which Dr. Stocquart reserves for another volume, in which he will also trace the Spanish history of marriage to the present time, with its growing conflict between Church and State.

Like its predecessor, this volume is the work of a ready writer of wide reading, who has the art of stating plainly and in good order what others of perhaps greater scholarship but inferior literary ability have left in a certain degree of obscurity or confusion. *S. E. B.*

Federal Rate Bill, Immunity Act and Negligence Law of 1906. Annotated by F. N. Judson. T. H. Flood & Co., Chicago. *Conference of Counsel for Railroad Companies in Louisville. Ky., Sept., 1906.* Report of Committee on Employers' Liability Act.

By passing the Rate Bill, the Immunity Act and the Negligence Law in the Fifty-ninth Congress, the Federal Government greatly extended the scope of its control over corporations engaged in interstate commerce and abrogated some of the fundamental principles of the common law. Whether or not these acts will stand the test to which they will undoubtedly be put by the corporations which are affected by these statutes is a matter of great interest and of some doubt.

At the present time the Employers' Liability Act, or "Federal Negligence Law" as it is sometimes called, seems to create more excitement in the camp of the railroad corporations than either the Rate Bill or the Immunity Act. The Immunity Act simply declares in statutory form the principle enunciated by the court in U. S. v. Armour, 142 Fed. 808, to the effect that immunity from prosecution granted in cases in which self incriminating evidence is produced before the Interstate Commerce Commission